

ARCHITECTURAL REVIEW BOARD

March 12, 1985

MEMBERS PRESENT: Paul Cable  
Norm Dooley  
Steward Harrod  
Jouett Sheeting  
Charlotte Stagner (5)

MEMBERS ABSENT: None (0)

There being a quorum, the meeting was called to order by Chairman Sheeting.

The first item of discussion by the Board was the approval of the minutes of the meeting of February 12, 1985. Mrs. Stagner made a motion to approve the minutes as submitted. Mr. Harrod seconded the motion. The motion carried unanimously.

There was no old business brought up for discussion.

The first item on the agenda was a request from Gary Beck for approval for the construction of an attached garage at 413 Steele. Mr. Shipp stated that Mr. Beck was not present. A motion was made by Mr. Cable to defer action to later in the meeting and if Mr. Beck did not show up put the item on a later agenda. Mrs. Stagner seconded the motion. The motion carried unanimously.

The next item on the agenda was a request from William B. Snyder for approval of side yard setbacks for the subdivision of the properties at 410-412 Wapping Street. Chairman Sheeting requested that all parties interested in speaking concerning this request sign in and they would be sworn in. Mr. Sheeting suggested that if people were there representing a group that they try and have a main speaker represent them. He also suggested that comments not be repetitious. Chairman Sheeting stated that at the conclusion of testimony, the Board would adjourn to have time to put their thoughts together.

Chairman Sheeting stated that in considering this request the owner, the investor, the neighborhood, the Board and the historic preservationists should be considered in making a fair decision. Mr. Randy Shipp, City Preservation Planner, was present and gave the staff report on this item. Mr. Shipp stated that as the property at 410-412 Wapping Street now exists, the two structures are situated on a single parcel of land. He further stated that the applicant wishes to subdivide the parcel so that the property can be sold. Mr. Shipp stated that the proposed division line would have a north-south orientation and fall between the two structures. The closest portion of either structure would be 6.1' to the proposed division line.

Mr. Shipp further stated that the subject properties are representatives of two architectural periods and are both of brick construction.

Mr. Shipp stated that the Zoning District Regulations direct the Board to determine setback requirements for the Special Historic district. Mr. Shipp stated that in reaching its decision, the Board should look at side yard setbacks in the neighborhood. Mr. Shipp further stated that while properties such as the Orlando Brown House, Liberty Hall and the Coblin-Porter office have exceptionally large side yards, the houses along the south side of Wapping Street and the west side of Washington Street have exceptionally small side yards. Mr. Shipp stated that for this reason, an actual average of these side yards would probably give an inaccurate representation of these setbacks. Mr. Shipp also stated that the Board would only consider the appropriateness of the setback; the Frankfort/Franklin County Planning Commission would actually approve the subdivision of the land. Mr. Shipp stated that he had letters of opposition to the request for the setbacks. Mr. Shipp stated that Marty Hedgepeth submitted a letter of opposition.

At this point, Chairman Sheetingner swore in people interested in making comments on this request. Mr. Mike Judy, representing the Snyders, stated that the property was acquired in 1935 as a single lot. He stated that now the owners would like to subdivide the property and had taken an equal distance between the two structures. Mr. Judy further stated that the purpose of the subdivision was to maximize the potential uses of this tract of land. Mr. Judy also stated that the property would be sold at absolute auction on June 1, 1985. He stated that the subdivision would allow the properties to be sold separately. Mr. Judy stated that to refuse to subdivide would be a great narrowing for the merits of different uses. Mr. Judy also stated that to refuse to subdivide would limit the sale to a buyer who has a use for both structures.

Mr. Robert Haley, an auctioneer with the Louisville, Kentucky firm of Remax, Incorporated, was present representing the Snyders and stated that the division of land was needed to maximize the value of the two properties. Mr. Haley also stated that if the subdivision was not done, it would drastically reduce the number of buyers and reduce the value of the property. Chairman Sheetingner asked Mr. Haley what the value of the property was. Mr. Haley replied that a formal appraisal of the property had not been made. He also stated that his firm did make appraisals; however, his firm had not been asked to make a formal appraisal on the property. Mr. Judy stated that for the record he wanted the two properties identified. The habitable structure is located at 410 Wapping Street and the burned out structure is located at 412 Wapping Street.

Mr. John Gray, President of Historic Frankfort, asked if Mr. Haley's firm sold property in Kentucky. Mr. Haley stated that they did. Mr. Haley also stated that his firm had not been asked to list the property in the "conventional" for sale manner. Mr. Haley stated that his firm was hired to find a buyer for the property and that his firm felt the best way was to auction the property off. Mr. Haley further stated that if his firm received a bona fide offer for the property in writing, the offer would be forwarded to the owners. He also stated that Remax did not have the authority to accept an offer.

Mr. Haley stated that he had received an inquiry about the property approximately twelve (12) days ago, but no written offer. Mr. Haley further stated that when an auction is rumored, several calls will come in inquiring about the property. Mr. Haley stated he had no knowledge of what the property is worth or what the property owners wants for it. Mr. John Gray stated that as President of Historic Frankfort, he wanted to go on records as objecting to the subdivision of land. Mr. Gray stated that Section 17.083 of the Zoning District Regulations outlines the Board's powers and he felt the Board did not have the authority to grant or subdivide land on separate issues. Mr. Allen Prewitt, City Solicitor, was present and stated that the Board has the power to consider the appropriateness of the setback. Mr. Gray stated that if the Board did approve the appropriateness of the setbacks that findings of fact be put in the motion citing the section of the Ordinance. Mr. Gray stated that he felt the property has more merit and character as one piece of property. He further stated that there would be access across the smaller lot. Mr. Norman Dooley, Board member, stated that if a buyer was interested in both pieces of property he would have the right to bid on both pieces of property. Mr. Mike Judy stated that under Section 17.01 of the Zoning Regulations, the Board has the authority to determine if setbacks are appropriate. Mr. John Gillig, an interested individual, was present and stated that he was in opposition to the request. he suggested that in the subdivision of land, a larger tract of ground go with the burned out structure. Mrs. Ann Snyder Harrod, one of the heirs of the property, was present and stated that she had lived in the smaller house and stated that to cut up the lot in a fashion that the north end of the property would be attached to the burned out structure would violate the privacy of 410 Wapping Street. She further stated that it would give a straight sight into the small house. Mr. William M. Johnson, 411 Wapping, was present and stated his property is directly across from 410 Wapping. He stated he felt the application was premature until the demolition issue is voted on. Mr. Johnson further stated that if the structure at 412 Wapping Street was demolished, the setback line could be modified. Mr. Johnson further stated that there were no setback lines in the immediate area closer than twelve (12) feet. Mr. Keith Logsdon, City Planner, stated that the Board was authorized to check the appropriateness of setbacks. Mr. Gray also stated that he felt the Board had the power to negotiate and suggest revisions to what was submitted. Mr. Normal Dooley and Mr. Paul Cable stated they felt what was submitted was fine. Mr. Cable also stated that if the property were cut up in a funny fashion, the property would be worthless. Following further discussion, Mr. Dooley made a motion to issue a Certificate of Appropriateness that the side yard setbacks for property at 410 Wapping Street were appropriate as submitted. Mr. Harrod seconded the motion. The motion carried unanimously.

The next item of discussion was a request from William B. Snyder for approval for the demolition of the structure at 412 Wapping Street known as the Todd-Lindsey House.

Mr. Shipp gave the staff report on this item. He stated that the application was being submitted by Mike Judy, attorney-at-law, on behalf of Mr. William B. Snyder, custodian and committee for Grace R. Snyder, property owner. The applicant intends to sell this property and wishes to have a demolition permit in hand so that it can be offered with or without the structure on site. Mr. Shipp further stated that the applicant felt that in this way, they would be able to realize the best possible return on the property

Mr. Shipp stated that the subject property is a two and one-half story brick building that dates from c. 1870 and was constructed in the Italian Villa architectural style. Mr. Shipp further stated that a fire destroyed all but the brick walls of the structure in November of 1978. The roof, floor joists and most other wooden elements no longer exist. Mr. Shipp stated that Dr. Grace Snyder was ordered by the City of Frankfort to raze the remaining shell. Dr. Snyder appealed this order to the Kentucky Department of Housing, Buildings and Construction. This Department found that the shell did not constitute a fire hazard and revoked this order. Mr. Shipp stated that the subject property is located on a prominent corner in the Corner-In-Celebrities Historic District. Mr. Shipp stated that there were four factors that the Board must weigh in reaching a decision on the demolition request. The four factors are:

- 1) The importance of the building to the history and character of the district is to be considered,
- 2) The physical condition of the building,
- 3) The cost of renovation of the building,
- 4) The existing and/or potential usefulness of the building, including the potential economic return from the building.

Mr. Shipp stated that the applicant felt that the significance of the structure had been substantially lessened due to the fire. Mr. Shipp stated that the Planning staff felt that there were several reasons for the subject property to still be considered a significant building within the Special Historic district. He stated that Wapping and Wilkinson Streets are the most heavily travelled in the district. He further stated that the intersection of these two streets, where the subject property is located, would be one of the most prominent in the area. Mr. Shipp added that any action on this site, whether it be demolition, rehabilitation or new construction would have a wider reaching impact than would probably be felt on another site not at this location.

Mr. Shipp stated that due to the architectural styling, the subject property was identified as a significant structure in the Corner-In-Celebrities Historic District (March, 1971). The style of this building would be considered Italian Villa, a prominent style at the time of construction, and is the only example of this in Frankfort. Mr. Shipp also stated that even though the fire destroyed the roof and interior substructure, the key architectural elements remain, such as the stonework around the main door, the stone lintels, the cast iron porch and the ornamental window surrounds. Mr. Shipp stated that it was the opinion of Mr. David Morgan, State Historic Preservation Officer for Kentucky, that even in its present state the subject property would still be considered a contributing structure to the historic district.

Mr. Shipp stated that as far as the physical condition of the building, the applicant felt that since the fire substantially damaged the structure, leaving only the brick walls, the condition of the structure was poor and the structure should be removed.

Mr. Shipp stated that the staff felt that the fire did destroy much of the fabric of the structure; however, it was determined at the time of the fire that if internal bracing were added, the remaining shell would not present a major threat to safety. Mr. Shipp further stated that a structural analysis was completed earlier this year by Rangaswamy, Yost & Associates, Engineers. The report states that "the condition of the brick is excellent except at the top of the building where it has deteriorated due to weathering. The coping on top of (the) chimneys have deteriorated and disintegrated at (a) few areas. Deterioration of the eave overhangs have lead to erosion of mortar at the brick bed joints." Mr. Shipp added that the report concluded "the brick walls are still in a condition acceptable for renovation. They (are) plumb and stay well due to the substantial design and the efforts placed for detailing. The shear walls which have been built like crates provide support to each other and stabilizes itself. Collapse of individual elements of the walls such as lintels, chimneys, etc., is possible due to extreme weathering conditions to which it is exposed. However, the localized nature of failures of this type is hardly a threat to the total stability of the structure."

Mr. Shipp further stated that the cost of renovation of the building is to be considered. He stated that the applicant estimated the cost of renovation would be approximately 1 to 1.5 million dollars to completely renovate the structure. Mr. Shipp stated that an economic feasibility study for this property had been prepared for the Kentucky Heritage Council. Mr. Shipp stated that this report contained a structural analysis which estimated the costs for basic remedial work to secure the building at \$111,700. Mr. Shipp also stated that there were estimated costs of renovating the structure for various uses that ranged from approximately 1.1 million to approximately 1.4 million dollars.

Mr. Shipp also stated that the existing and/or potential usefulness of the building, including the potential economic return from the building should be considered. Mr. Shipp stated that the applicant felt that the size of the structure would mandate its total renovation. The applicant also felt that this would elevate the cost of renovation to such a level that a realistic economic return could probably be ruled out. The applicant also felt the uses permitted were too limiting. Mr. Shipp stated that as the structure now stands, it serves no useful purpose; however, there were potential uses for this structure. Mr. Shipp also stated that one provision that would make this a more viable project was the rehabilitation benefits available through the Economic Recovery Tax Act of 1981.

Mr. Shipp stated that if the request were approved for demolition, the Planning staff had the following request: 1) The issuance of the demolition permit be held in abeyance for ninety (90) days.

During that time, local and state interest groups could seek developers who are willing to rehabilitate the structure. At the end of this 90 day period, a special meeting of the Board would be called to review the results of these efforts. At that time, the owners would have to demonstrate that a reasonable offer had not been rejected. The appraisal prepared by the owner would form the basis for this determination. If a reasonable offer for purchase had not been received during that time, the demolition permit would then be issued. 2) That should the structure be demolished, a set of measured drawings be prepared. These drawings would include a site plan, floor plan, elevations and special details. In this way, documented information could be retained. These drawings should then be filed with the City of Frankfort, the Kentucky Heritage Council and the Kentucky Historical Society.

At this time, Mr. Michael Judy, representing the applicant, stated that the Tax Act Program was up for review and it was not known whether it would be in effect after June of this year. Mrs. Ann Snyder Harrod, daughter of Dr. Grace Snyder, was present and stated that the flexibility of a demolition permit makes the sale of the property more attractive if a demolition permit is in hand and the buyer wants to tear down the property. She stated it did not mean that demolition would be the utilization of the property. She stressed that the existence of the permission of demolition is what she wanted; to show that the demolition is a possibility. Mr. John Gray stated that the appraisal of the property is \$180,000. Mr. Judy stated that Mrs. Harrod wanted to have the flexibility of a demolition permit in preparation of this property for sale. Mr. Judy stated that the permit is not transferable; however, if the property were sold, the Snyders would know if the buyers wanted the property torn down and they could remove the structure for the buyer.

Mr. Robert Haley, of Remax Auction Team, stated that they had been hired to conduct an absolute auction of the property and to maximize the sale. Mr. Keith D. Logsdon, City Planner, stated he did not see the advantage of having the demolition permit. Mr. Haley stated that the high bidder could request the demolition. It would be done at the cost of the buyer but in the name of the Snyders. At this time, Chairman Sheeting swore in Mr. Logsdon. Mr. Logsdon stated that there are a lot of unknowns in this case. He further stated that the applicant's had not done much research on the case and that the research that had been done had been done by other entities. Mr. Logsdon also questioned the need for a demolition permit at this time without knowing what is going to be done with the property.

Mr. John Gray, President of Historic Frankfort, stated that the burden to show potential usefulness is on the applicant and the applicant has made no showing at all. Mr. Gray further stated that the applicant needs to make a good faith showing. He stated that the applicant has made no effort to list the property, to find a buyer for the property or to use the study that was prepared. Mr. Gray further stated that there are two groups interested in negotiating. Mr. Gray requested that the request be denied until such time as the owner can show no reasonable alternative to demolition. Mr. Gray further stated that maximizing profits is not a question.

Chairman Sheeting asked Mr. Gray what if everything was exhausted? Would he still be in opposition to the request.

Mr. Gray stated it would be bad faith on the Historical Society's part to be in opposition if every avenue was exhausted. Mr. Gray stated that there were two interested parties for the property: Mr. Hedgepeth and someone represented by Alagia & Barnett. Mr. Richard Taylor questioned the Board as to what recourse the Board would have if demolition was granted and the property torn down before the sale? Mr. Logsdon stated that if a permit were issued it could be torn down at any time. Mr. William Johnson, Wapping Street, was present and stated he did not want to see the property remain as it is. Mr. Johnson also questioned the fact that when a piece of property is sold, when the hammer drops, he would have questions as to whether or not the Snyders could have the property torn down, even though there may be a thirty day time period after the sale before the new owner takes over. Mr. Johnson stated it would be more logical for the new owner to make the request if they wanted the property torn down. Mr. Johnson stated that he felt that the Board should turn the request down now until more information is available. Mr. Larry Moore, a resident of the downtown area, stated that the applicant's have used economic return as there basis for the request and he feels it is not a basis for demolition. Mr. Moore stated they are entitled to a reasonable return on the property but not necessarily the greatest return. Mr. Moore further stated that he hated to see a part of the City's heritage going on the auction block. At this point, Mr. Shipp handed out letters against the request and made them a part of the record. Mr. John Gillag was present and stated that he did not think a demolition permit enhanced the options for the sale of the property.

Following further discussion, Mrs. Stagner made a motion based on the testimony presented that the Board delay the issuance for a demolition permit for the structure located at 412 Wapping Street. Mr. Cable seconded the motion. The motion carried unanimously.

A motion was made by Mr. Dooley to adjourn. The motion was seconded by Mr. Harrod. The motion carried unanimously.

  
Chairman